

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY</b>	
<b>HANNA   PEREZ PC</b> Joseph James Gianetti, Esq. Attorney ID No. 093352013 185 Route 17 South Paramus, New Jersey 07652 (201) 224-9400, Fax: (201) 224-9401 Attorney for LUSE AKDEMIR	
In re:  BED BATH & BEYOND INC., <i>et al.</i> ,  Debtors. <sup>1</sup>	Chapter 11  Case No. 23-13359 (VFP)  (Jointly Administered)

**CERTIFICATION OF COUNSEL IN SUPPORT OF MOTION FOR AN  
ORDER MODIFYING THE AUTOMATIC STAY AND PLAN INJUNCTION  
TO ALLOW MOVANT TO CONTINUE PENDING LITIGATION AGAINST  
THE DEBTOR AND RECOVER SOLELY AGAINST DEBTOR'S INSURER,  
WAIVING THE PROVISIONS OF FED. R. BANKR. P. 4001 (a)(3) AND FOR  
RELATED RELIEF**

I, Joseph James Gianetti, Esq. of full age, upon his oath deposes and says as follows:

1. I am an attorney at law of the State of New Jersey and am an associate of the law firm of Hanna Perez, PC, which is acting as counsel for Luse Akdemir (“Movant” or “Akdemir”), personal injury claimant, who sustained injuries as a result of the negligence of Bed Bath & Beyond Inc. (the “Debtor”), referenced in the above Chapter 11 proceeding.

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1. The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

2. In preparing this Certification, I reviewed and relied upon the State Court docket and the assistance and support of my law firm's staff in assembling the information. The information contained herein is accurate and true to the best of my knowledge, information and belief.

3. Ms. Akdemir suffered substantial injuries from an accident that occurred on February 16, 2021, inside of the Bed Bath & Beyond store located in Paramus, New Jersey. Specifically, a pair of large, heavy metal pliers fell from a high shelf and struck Ms. Akdemir. As a result of the accident, plaintiff sustained serious injuries to her cervical spine, as well as substantial economic losses.

4. On January 25, 2023, Akdemir filed a Complaint in the Superior Court of New Jersey, Middlesex Vicinage. The case caption is Akdemir v. Bed Bath & Beyond, Inc. et al. and the docket number was MID-L-452-23. A genuine copy of the filed Complaint is attached hereto as **Exhibit A**.

5. On May 5, 2023, counsel for Bed Bath and Beyond, Inc. in the Superior Court action filed a Notice of Pendency of Bankruptcy and Automatic Stay of Proceedings. A genuine copy of the Notice is attached hereto as **Exhibit B**.

6. On May 25, 2023, the Honorable Michael V. Cresitello, Jr., P.J.Cv. entered an Order in the Superior Court action staying the case against Bed Bath and Beyond. A genuine copy of the Order is attached hereto as **Exhibit C**.

7. On June 21, 2023, the Superior Court matter was transferred from Middlesex County to Bergen County. A genuine copy of the Order is attached hereto as **Exhibit D**.

8. On June 27, 2023, the Superior Court matter was assigned a new docket number of BER-L-3313-23. This docket remains open and active.

9. On the date of Ms. Akdemir's injury, Debtor had available an insurance policy with Safety National to cover her injuries.

10. On September 2, 2021, my office sent a letter of representation to CorVel

Corporation who is the Third Party Administrator for Bed Bath & Beyond. A genuine copy of the September 2, 2021 letter, is attached hereto as **Exhibit E**.

11. In response, on December 15, 2021, CorVel Corporation confirmed that they are the Third Party Administrator for Bed Bath & Beyond, and advised that Safety National is the insurance carrier who underwrote the insurance policy that was in effect at the time of Ms. Akdemir's accident. A genuine copy of the December 15, 2021 letter, is attached hereto as **Exhibit F**.

12. Ms. Akdemir now seeks relief from the Automatic Stay to continue to prosecute the State Court Action and to recover only against Debtor's insurers and insurance policies.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Joseph James Gianetti  
JOSEPH JAMES GIANETTI, ESQ.

Dated: May 16, 2024